

REMARKS

Claims 8-11 are pending. By this Amendment, claims 8 and 10 are amended and new claims 19-20, which read on the elected species, are added. No new matter has been added by the amendment. Reconsideration and allowance of the application, as amended, are respectfully requested.

Claims 8 and 10 have been rejected under 35 U.S.C. §102 as being anticipated by Bates, U.S. Patent No. 6,378,393 (the '393 Patent). Claims 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the '393 Patent in view of Gudlin (German Patent No. DE 197 42 573 A1, the Gudlin Patent). Applicants respectfully traverse the rejections.

A feature of the present claims is that a switch is provided for connecting the movable member to the power transmitting member when manipulated. The power transmitting member is driven in response to operation of the movable member when the movable member is connected to the power transmitting member by the switch, and the parking lock state of the transmission is changed to the release state in accordance with the driving of the power transmitting member.

The '393 patent discloses an apparatus for manually shifting an electronically controlled transmission. The apparatus 50 is connected to a vehicle transmission 14 via a link arm 70. If a failure in the electrically controlled transmission system 10 occurred, the mechanism 90 of the apparatus 50 is moved in order to shift the transmission 14 into "park". This is different from the claimed invention in the structures and the functions, including the feature described above. Since the '393 Patent does not teach or suggest the claimed feature, there is no anticipation, and withdrawal of the rejection of this claim is requested.

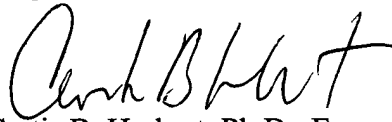
Gudlin (German Patent No. DE 197 42 573 A1) discloses a shift lever 10 connected to a transmission via a cable 16. Both the Gudlin Patent and the '393 Patent fail to teach or suggest

the claimed feature, which is described above. Since neither the '393 Patent nor the Gudlin Patent teach or suggest the claimed feature, there can be no prima facie case of obviousness, and withdrawal of the rejection of this claim is requested.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Curtis B. Herbert".

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